

Hassan Diab and His Supporters Renew Call for Public Inquiry and Reform of Canada's Extradition Act

Hassan Diab and His Supporters Demand Public Release of Segal Report

By [Hassan Diab Support Committee](#)

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Murray Segal, former Deputy Attorney General of Ontario, has delivered a report of his review of the extradition of Dr. Hassan Diab to the Minister of Justice, David Lametti. The Minister's office has confirmed receipt of the report but has not indicated if - and when - the report will be made public.

Following the dismissal of Diab's case by French investigating judges and his return to Canada in January 2018, Hassan and numerous human rights organisations have been calling for a full, independent public inquiry to investigate his wrongful extradition to France in 2014. CBC News revealed that Department of Justice (DOJ) officials played a role in advancing Diab's extradition when the case against him was falling apart, and that exculpatory fingerprint analysis that could have helped clear Diab was never shared by the DOJ with Diab's defence or with the Canadian extradition judge.

In July 2018, Segal was asked to undertake an external review - instead of a public inquiry - to assess whether DOJ officials followed the law and departmental procedures while pursuing France's request to extradite Diab.

Remarking on the delivery of Segal's report, Don Bayne, Hassan's lawyer, said,

"The mandate of Mr. Segal was deliberately too limited - to avoid the hard questions and issues. Mr. Segal's powers were too circumscribed compared to a judge's who can compel witnesses and documents. There was no challenge or cross-examination of the DOJ's version of their conduct. There was no true examination of the dangers and shortcomings of the Extradition Act and procedure (and jurisprudence). We had no access to the behind the scenes letters and documents, thus there was no transparency which this government always championed. Dr. Diab and his family deserve better than this closed door, carefully controlled external review."

Hassan Diab said:

"After suffering a decade under virtual house arrest and near solitary confinement in Canada and France, we need to make sure that wrongful extraditions do not take place again. I urge the Minister of Justice to order a serious, independent, and transparent public inquiry. Anything short of that will only extend the suffering, and miscarriages of justice will continue."

Tim McSorley, National Coordinator of the International Civil Liberties Monitoring Group (ICLMG) reiterated the call of ICMLG for a public inquiry into Hassan Diab's extradition and the failings of the Extradition Act. He stated,

"The mandate of Mr. Segal's review was too narrow. The severity of what Dr. Diab has gone through merits the scope and thoroughness of a public inquiry. Only this will ensure a full accounting of the facts, full redress for Dr. Diab, and the information needed to make the necessary reforms so that no Canadian faces the same travesty again. Given the gravity of what Hassan Diab has been through, Mr. Segal's report should be immediately released. Hassan and the public deserve answers and clarity after his ten-year ordeal."

Josh Paterson, Executive Director of the BC Civil Liberties Association, stated,

"Mr. Segal's report must be provided to Dr. Diab and his family, and it must be made public without editing or redaction - period. It is also well past time for the government to commit to a full review of the outdated Extradition Act, which allowed this mess to happen in the first place."

Background:

Dr. Hassan Diab is a Canadian citizen and sociology professor who lives in Ottawa. He was extradited from Canada to France in November 2014, even though the Canadian extradition judge, Robert Maranger, described the evidence presented against Diab as "very problematic", "convoluted", "illogical", and "suspect". However, given the low threshold of evidence in Canada's Extradition Act, the judge felt compelled to order Diab's extradition.

Diab spent more than three years in prison in France while the decades-long investigation in his case was ongoing - this despite the fact that Canada's Extradition Act only authorizes extradition to stand trial, not to continue an investigation.

In January 2018, the French investigating judges dismissed all charges against Diab and ordered his release. They stated that there is consistent evidence that Diab was not in France at the time of the 1980 bombing in Paris that tragically killed four people and injured dozens. They also notably underlined the numerous contradictions and misstatements contained in the anonymous intelligence, and cast serious doubts about its reliability. The investigating judges also stressed that all fingerprint and palm print analysis excluded Diab.

Shortly thereafter, Diab was released from prison in France, and returned to his home and family in Canada. He had spent almost ten years of his life either imprisoned or living under draconian bail conditions, including more than three years in near solitary confinement in a French jail.

In June 2018, CBC News [reported](#) that a key fingerprint analysis exonerating Diab was not disclosed to the court in Canada during the extradition proceedings. The court in Canada was told that no such evidence existed, when in fact the fingerprint analysis that excluded Diab was done in early 2008, many months before France requested Diab's extradition. CBC News also [reported](#) that in 2009 a senior lawyer at the Canadian Department of Justice (DOJ) urged the French authorities to obtain new handwriting 'evidence' against Diab when the extradition case was about to collapse. In another effort to shore up the case, the DOJ lawyer requested another fingerprint analysis of a police document signed by the suspect as

he believed that the evidence would be very powerful in getting Hassan extradited. When the RCMP fingerprint analysis excluded Diab, the DOJ lawyer never disclosed this fact to the court in Canada or to the defense.

Numerous human rights and civil society organisations – including Amnesty International Canada, British Columbia Civil Liberties Association, Canadian Association of University Teachers, Criminal Lawyers Association, and the International Civil Liberties Monitoring Group (ICLMG) – have [called on the Canadian government](#) to conduct an independent public inquiry into Diab’s extradition, as well as to undertake a complete review of the Extradition Act so no other Canadian would go through what Hassan Diab and his family had to endure.

Diab has a lifelong record of opposition to bigotry and discrimination, as attested by family, long-time friends, and colleagues. He has always maintained his innocence and strongly condemned the 1980 crime. He has unequivocally stated, “My life has been turned upside down because of unfounded allegations and suspicions. I am innocent of the accusations against me.”

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